

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9817

IN THE MATTER OF:

Served August 10, 2006

Application of JOAN MURRELL THOMAS)
for a Certificate of Authority --)
Irregular Route Operations)

Case No. AP-2006-105

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. If an applicant does not make the required showing, the application must be denied under Section 7(b).

An applicant bears the burden of establishing financial fitness, operational fitness, and regulatory compliance fitness.¹ To establish operational fitness, an applicant must demonstrate the willingness and ability to provide safe and adequate service.²

Applicant proposes operating one sedan under the DC Medicaid program. The Medicaid transportation rates currently published by the District of Columbia Department of Health, however, are for vans only.³ Under the circumstances, we are unable to find that applicant has met its burden of demonstrating the ability to provide the service described in her proposed tariff.⁴

¹ *In re Felicia E. Medlock*, No. AP-05-077, Order No. 8991 (Sept. 16, 2005).

² *Id.*

³ See D.C. Mun. Regs. tit. 29, § 995(2006).

⁴ See Order No. 8991(application denied where applicant proposed using sedan under contract for van service).

THEREFORE, IT IS ORDERED that the application of Joan Murrell Thomas for a certificate of authority, irregular route operations, is hereby denied without prejudice.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', with a stylized, cursive flourish at the end.

William S. Morrow, Jr.
Executive Director